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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 15 January 1990, at 10 a.m.

Temporary Chairman: Mr. MARTENSON (Assistant Under-Secretary-General for Human Rights)

Chairman: Mr. BADAWI EL SHEIKH

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Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.90-15162/1533B

The meeting was called to order at 10.50 a.m.

OPENING OF THE SESSION (item 1 of the provisional agenda)

1. The TEMPORARY CHAIRMAN declared open the fourth session of the Committee on Economic, Social and Cultural Rights.

2. He said that as they embarked on a particularly heavy session, he wished to assure members of the Committee of his full support. He was sure that they shared his satisfaction over the changes which had occurred during the preceding year in international relations and which opened up new perspectives for action in the field of human rights.

3. While violations were unfortunately still all too frequent throughout the world, it was also true that positive developments had emerged in all regions. Observing that the international legal human rights régime was strengthened with every additional ratification of or accession to the human rights treaties, he said he was happy to announce that Algeria and Ireland had recently ratified the International Covenant on Economic, Social and Cultural Rights, thus bringing the total number of States parties up to 94.

4. Awareness of the importance of human rights was growing and international mobilization in their support - including support by Governments, the United Nations system and non-governmental organizations - was increasing. Governmental authorities were now often showing a greater sense of accountability in matters relating to human rights violations and individuals and peoples were claiming and defending their rights with greater determination than ever.

5. That trend was explained to a considerable extent by the fact that Governments had a clearer perception of the linkage between the observance of human rights and the maintenance of peace. As the Secretary-General noted in his report on the work of the Organization to the General Assembly at its forty-fourth session: "If anything is writ large on current experience, it is the truth that the stability of national and international society can only rest upon a foundation of assured human rights. Issues of human rights provide the deeper tones and shadings to political and social relations within and among nations ... [and] no Government can expect immunity from international exposure and criticism if it flouts human rights".

6. The human rights machinery of the United Nations - and notably the Committee on Economic, Social and Cultural Rights which since its first session had been untiring in promoting respect for the standards enunciated in the Covenant and which had succeeded in establishing a constructive dialogue with States parties - had contributed a great deal to those positive developments.

7. Although much remained to be done, the progress achieved was encouraging and prompted redoubled efforts. The Centre for Human Rights would continue to give the Committee and the other treaty bodies all possible assistance and it was hopeful that the recommendations made by the meeting of chairpersons of those bodies would be followed up in the coming months. Concrete action had already been taken in respect of some of those recommendations, notably those

concerning the consolidation of reporting guidelines and those calling for two studies, one on the computerization of the work of the treaty bodies concerned and the other on possible long-term approaches to enhancing the operation of such existing and prospective bodies.

8. With regard to the text of the consolidated guidelines, which it was expected would be approved before the middle of the year by all the treaty bodies, the Secretary-General would transmit it to the States parties to the various human rights instruments and would submit it to the General Assembly at its forty-fifth session.

9. With regard to the study on improving the operation of such bodies, the Secretary-General, pursuant to General Assembly resolution 43/115 and Commission on Human Rights resolution 1989/47 had entrusted it to Mr. Alston, the Committee's Rapporteur at its first three sessions, and his study (A/44/668) had already been given preliminary consideration by the General Assembly at its forty-fourth session.

10. Furthermore, as requested in Commission on Human Rights resolution 1989/46, the Secretary-General had appointed a task force to study methods of computerizing the work of the treaty bodies with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations. The task force, which had held its first meeting in June 1989, had just finalized that study and the Secretary-General would report on the results of its work to the Commission on Human Rights at its forty-sixth session

11. Turning to the Centre's activities in the field of advisory services and technical assistance, he said that the Centre was according priority to strengthening national infrastructures but it was also continuing to organize regional seminars. The Centre had taken due note of the Committee's recommendations on the subject in its previous report (paras. 343-345) and a seminar designed to foster dialogue between the countries of origin and the host countries of migrant workers had been held in Athens in September 1989. In November 1989, the Centre had organized in Moscow a seminar on international standards in the field of human rights. The World Public Information Campaign on Human Rights had also been gathering steam and he himself had taken part in a number of events relating to that campaign. He was convinced that educational and informational activities were essential for the realization of the objectives of the Universal Declaration of Human Rights. With the co-operation of States Members of the United Nations and with that of research institutions, the media and non-governmental organizations, the World Campaign, which aimed at making it clear to all that human rights and fundamental freedoms were inherent to the human person, should help to make world public opinion a powerful instrument in the service of human rights.

12. Turning to the issues of direct interest to the Committee, he said that at its second regular session of 1989, the Economic and Social Council had decided, as the Committee had recommended, that the latter would have an additional session in 1990. The decision of the Economic and Social Council having been approved by the General Assembly at its forty-fourth session,

the Committee's fifth session would be held at Geneva from 26 November to 14 December 1990, the pre-sessional Working Group meeting from 19 to 23 November 1990. From 1991 onward, the Committee would meet every year in November-December so that its sessions no longer overlapped with those of the Commission on Human Rights.

13. By its resolution 1989/81 of 24 May 1989, the Economic and Social Council had taken note with appreciation of the Committee's report on its third session, had reaffirmed the important role of the Committee and of the Human Rights Committee and had expressed its satisfaction with the serious and constructive manner in which the two committees were carrying out their functions. It had also welcomed the Committee's decision to consider articles 22 and 23 of the International Covenant on Economic, Social and Cultural Rights at its fourth session as well as to continue to focus on article 11 with a view to developing a general comment thereon.

14. By its decision 1989/158 of 24 May 1989, the Council had also taken note of the provisional rules of procedure adopted by the Committee at its third session and had decided to defer consideration of those rules to its first regular session of 1990, requesting that in the interim, the Committee should continue using the rules of procedure of the Economic and Social Council. Furthermore, in accordance with its resolution 1985/17, the Council at its first regular session of 1990 would undertake a review of the composition, organization and administrative arrangements of the Committee.

15. Acting on the Committee's recommendation and in consultation with its Chairman, the Secretary-General had drawn up a revised schedule for the submission of reports by States parties. The revised schedule took account of the new periodicity arrangements established in Council resolution 1988/4.

16. With regard to the Committee's recommendation concerning the establishment of a resource room for human rights treaty bodies, the Secretariat had been exploring the possibilities of giving it effect. There were a number of difficulties, such as finding a suitable room and setting up a library, but the Committee would be kept informed.

17. Finally, referring to the efforts that the Centre had made since the Committee's third session to promote enhanced co-operation with the specialized agencies also working to foster respect for human rights, he reported that during the preceding year it had taken part in several meetings at which the problems of co-operation had been discussed, particularly the Ottawa Meeting, organized by UNESCO in December 1989. The Centre intended to organize periodic meetings of consultation with specialized agencies to discuss human rights issues and in particular inter-agency co-operation. Very close co-operation between the Centre and UNDP had already been established.

ELECTION OF OFFICERS (item 2 of the provisional agenda)

18. The TEMPORRARY CHAIRMAN invited nominations for the posts of officers of the Committee.

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19. Mr. SIMMA, supported by Mr. WIMER ZAMBRANO. Mr. RATTRAY and Mr. MUTERAHEJURU, proposed the re-election of the officers of the previous session, who had done excellent work.

20. It was so decided.

21. Mr. Badawi El Sheikh was elected Chairman.

22. Mr. Badawi El Sheikh took the Chair.

23. Mr. Alvarez Vita, Mr. Neneman and Mr. Sparsis were elected Vice-Chairmen.

24. Mr. Alston was elected Rapporteur.

25. The CHAIRMAN said that the Bureau had worked efficiently at the preceding session owing to the general spirit of co-operation, the excellent relations between members of the Committee and the determination of everyone to work in defence of human rights.

26. The establishment of a committee of experts was a turning-point in the implementation of the International Covenant on Economic, Social and Cultural Rights. Although members of the committee were elected by the Economic and Social Council from among candidates appointed by the States parties to the Covenant, they sat in their personal capacity and were deeply attached to the cause of human rights. That was a fundamental point since what counted as much as the instruments themselves was the spirit in which those responsible for monitoring their application did their work.

27. With regard to the Committee's working methods and means of increasing their efficiency, the measures that had been taken in connection with the preparation of reports, dialogue with States parties, the work of the pre-sessional Working Group and the drafting of general comments bore witness to the Committee's desire to serve the cause of human rights ever more effectively.

28. He welcomed the activities of Mr. Martenson, the Under-Secretary-General for Human Rights, and in particular the World Public Information Campaign which had been launched by the Centre for Human Rights. It was essential to sound a warning note so that public opinion was ready at all times to remind those in authority that their task was to serve citizens and protect their rights.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (E/C.12/1990/1)

29. The agenda was adopted.

ORGANIZATION OF WORK (agenda item 4) (E/C.12/1990/L.1)

30. The CHAIRMAN invited the representative of the Secretary-General to introduce the draft programme of work for the Committee's fourth session.

31. Mr. HOUSHMAND (Representative of the Secretary-General) said that in accordance with the practice of the previous sessions, the Secretary-General, in consultation with the Chairman of the Committee, had prepared a draft programme of work for the current session (E/C.12/1990/L.1) which took account

of the decisions adopted by the Committee itself. To the extent possible State party reports would be considered from 16 to 26 January 1990. The week of 29 January to 2 February 1990 would be devoted to issues relating to the submission of reports by States parties and to the formulation of suggestions and recommendations of a general nature based on consideration of those reports (Council resolution 1985/17). The Committee having decided at the previous session to continue consideration of article 11 of the Covenant, that matter (agenda item 8) would be discussed during the third week of the session.

32. Since the Committee had expressed the wish to consult the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, who had been appointed by it to undertake a study on economic, social and cultural rights, the Secretariat had invited him to attend a meeting of the Committee during the third week of the session.

33. With regard to the reports to be considered by the Committee, the Secretariat had been requested by some States parties concerned to defer consideration of their reports to the next session: that was the case with Afghanistan, Jordan and Democratic Yemen. The requests had been brought to the attention of the pre-sessional Working Group which had drawn up the lists of issues to be discussed with representatives of States submitting reports to the current session. Mr. Simma, the Chairman-Rapporteur of the Working Group, would certainly wish to report to the Committee on the work of the Group.

34. The Secretariat had also received that morning a telephone call from the Panamanian Government requesting that consideration of the two reports from Panama should be postponed to the next session.

35. Finally, some slight changes had been made to the draft programme of work (E/C.12/1990/L.1) in response to requests from certain States parties. Thus Mexico had asked that its report should be considered on Thursday, 18 January 1990, a request to which the Secretariat had acceded. Similarly, the Argentine report which had originally been scheduled for consideration on Thursday, 25 January 1990 would be taken up on 26 January 1990.

36. Mr. SIMMA, Chairman-Rapporteur of the Committee's pre-sessional Working Group, said that the Working Group had drawn up a number of lists of issues for the reports which were to be considered during the following two weeks. It had also examined three additional reports (Netherlands, France and Zaire), and formulated for the Committee's consideration some comments and recommendations on those reports.

37. The Working Group had held a preliminary discussion on the draft guidelines for the presentation of reports by States parties to the Covenant. The text would be submitted to the Committee before the end of the session. The Group had also had an exchange of views on certain questions of detail and had made a recommendation about the dates of the Committee's fifth session.

38. Since the Committee was to begin by considering the report of Cyprus, he wished to correct an error that had crept into the list of issues which the pre-sessional Working Group had drawn up on that report: the text of question 10 should read: "How has the Government acted to remedy the deficiencies found by the institutions engaged in the implementation of the European Social Charter?".

39. The CHAIRMAN read out a letter from the Permanent Representative of Bulgaria to the United Nations Office at Geneva stating that Mr. Mratchkov, a member of the Committee, would be unable to attend the Committee's session because of his schedule.

40. Mr. SPARSIS asked Mr. Simma whether the Committee would receive lists of issues other than those for Cyprus, the Islamic Republic of Iran, the Philippines, Jamaica, Luxembourg and India.

41. Mr. SIMMA replied that the Committee would receive lists of issues for Panama, Mexico, Colombia, Argentina and Jamaica in addition to a document giving the Working Group's recommendations on the additional reports from the Netherlands, France and Zaire.

42. Mr. HOUSHMAND (Representative of the Secretary-General) stated that the lists of issues drawn up by the Working Group and its recommendations were being translated, together with the draft guidelines on the presentation of reports.

43. Mr. GLAIEL inquired whether the Committee was engaged in a general discussion on agenda item 4 (Organization of work) or whether it was dealing solely with the question of presentation of reports. He would also like to know why the Economic and Social Council had confined itself to taking note of the Committee's recommendation on its provisional rules of procedure and had postponed consideration of the matter to its first regular session of 1990.

44. The CHAIRMAN said that the discussion was indeed related to agenda item 4, which included a number of recommendations by the Committee and decisions of the Economic and Social Council about which members of the Committee might naturally ask questions. For the time being, however, the discussion was focused on one particular issue, namely the way in which reports by States parties would be considered, having regard to the work of the pre-sessional Working Group. The Committee could then pass on to other questions connected with the organization of work.

45. The Committee had before it 11 reports which it would consider after receiving the relevant lists of issues in all the working languages. He suggested that the Committee should consider in succession the reports of Cyprus, Mexico, the Islamic Republic of Iran, the Philippines, Jamaica, Colombia, Luxembourg, India and Argentina.

46. With regard to the additional reports that certain States parties had submitted to the Secretariat at the Committee's request, the latter should consider them if time permitted, in addition to the other reports before it.

47. Mr. SIMMA proposed, in view of the fact that the second and third weeks of the session would be very heavy, that a meeting should be reserved on Wednesday of the current week to consider the additional reports and the document drafted by the pre-sessional Working Group.

48. The CHAIRMAN said that the proposal was acceptable. Perhaps the Rapporteur should also be asked whether adequate time had been allocated for the general discussion on the rights contained in article 11 of the Covenant.

The representative of the Secretary-General could perhaps indicate which States parties might possibly be asked to bring forward the date of presenting their reports.

49. Mr. HOUSHMAND (Representative of the Secretary-General) said that Mexico and Argentina had asked to change the date for presentation of their reports. With regard to the other States parties, any changes would depend on the possibility of contacting the delegations. He thought that Mr. Simma's proposal was interesting since it would make it possible to save time.

50. Mr. GLAIEL also supported that proposal.

51. The CHAIRMAN suggested that the Committee should keep to the programme of work drawn up by the Secretary-General, with the few changes requested by the States parties.

52. Mr. ALSTON thought that the Committee should give thought to what he described as the "drop-out rate". He pointed out that 13 States had been due to present their reports at the current session but four of them had withdrawn. He recognized that the decision taken in Panama - or in Washington - not to present the Panamanian report, although regrettable, was doubtless inevitable in view of the invasion to which that country had fallen victim. He stressed that if the Committee continued to lose 30 per cent of the reports of States parties appearing on its programme of work, that would create difficulties in view of the limited time at the Committee's disposal. The Committee could usefully reflect on how to draw the attention of States parties to the seriousness of the problem.

53. He stressed the fact that the form of reporting had completely changed, recalling that many States which had not yet sent in any report had been requested to submit a global report by June 1990. In other words, the Committee should have before it at its next session the first global reports dealing with all the rights enunciated in the Covenant. Thought must be given to changing the Committee's working methods. The three hours hitherto devoted to consideration of a report relating to only three of the rights proclaimed in the Covenant would not be sufficient for examination of a global report.

54. The Committee must take up the matter of guidelines as soon as possible, since several important questions of theory were involved.

55. The CHAIRMAN stated that agenda item 5 would be considered, as agreed, throughout the session whenever the Committee had time available.

56. If there was no objection, he would take it that the Committee wished to adopt the draft programme of work, as amended.

57. It was so decided.

58. Mr. GLAIEL said that although he sometimes hesitated to speak in Arabic in the Committee since he did not have translations of all the texts, he would like to use his mother tongue. He also inquired why the Economic and Social Council had deferred to its first regular session of 1990 consideration of the Committee's provisional rules of procedure and why it had not accepted the Committee's recommendation that the pre-sessional Working Group should meet one to three months before the sessions of the Committee.

59. The CHAIRMAN said that he also would very much like the documentation in Arabic to be made available to the Committee in good time. He announced that he would speak Arabic on substantive matters.

60. Mr. ALSTON said that he would like the Committee to be informed in future of reactions to its report in the Commission on Human Rights, the Economic and Social Council and the General Assembly. The previous year, the Committee had adopted several recommendations which Mr. Martenson had touched on in his opening statement but in a brief and general way which did not entirely satisfy the Committee's expectations. For example, there had been no clear-cut response to the idea of establishing a resource room.

61. He inquired whether all the members of the Committee were receiving all the necessary documentation. In any case it would be desirable for the documents to reach them more regularly. Recalling that the general discussion at the current session would focus on all the rights contained in article 11 and more particularly on the right to housing and that the United Nations Centre for Human Settlements had been invited to prepare a paper on that issue, he asked whether the Centre had complied with the request and whether an invitation to attend had been sent to it. It was important that all interested parties should be invited to participate in the general discussion.

62. It was also desirable that comments from members of the Committee should not be systematically toned down in the summary records, thus turning discussions into an insipid purée. It would also be useful for the Committee to be given a copy of the letter on the importance of human rights that Mr. Martenson had sent to the Resident Representatives of UNDP.

63. The previous year the Committee had decided that when reports by States parties were considered, its members would formulate their concluding observations on the day after the final set of replies had been received from the representative of the State party or some time thereafter. It was desirable that members of the Committee should use that pause for reflection in order to produce less trivial and formal observations, the objective being to round off in a straightforward and clear-cut way its dialogue with the State party.

64. Mr. TEXIER endorsed most of Mr. Alston's comments. He reported that he had not received any documentation at his home address. He suggested that the three reports of Jamaica scheduled in the programme of work should be considered jointly, provided that was agreeable to the delegation of that country.

65. Mr. SIMMA thought that the Committee should meet that afternoon since it had a lot of work to do. He associated himself with Mr. Alston's comments on concluding observations and proposed that a member of the Committee should be made responsible for drafting them. He also thought that the summary records were rather vegetarian fare. He had received the documentation for the Committee but it had arrived late. He proposed that the Secretariat should send members of the Committee the summary records of the meetings of the Economic and Social Council at which the Committee's report was considered.

As he had submitted the draft guidelines only about a week previously, he felt somewhat responsible for the delay in distributing that text in all languages.

66. With regard to general comments, which at the current session would relate to article 11 and in particular to the right to housing, he thought that some time must be allocated to their preparation, in which the maximum number of Committee members should be involved. The previous year, the Committee had decided to set up a sessional Working Group which he had had the honour of chairing. The Group had done too much of the substantive work and it would be better for the essential work of the Committee to be conducted in plenary meetings, particularly in the case of guidelines and general comments.

67. The CHAIRMAN said that it went without saying that participation in the general discussion should be as wide as possible. He supported Mr. Texier's proposal with regard to consideration of the Jamaican reports.

68. Mr. HOUSHMAND (Representative of the Secretary-General) said in reply to Mr. Glaiel that the Economic and Social Council had perhaps deferred consideration of the Committee's rules of procedure owing to lack of time and also because in its resolution 1985/17, the Council had decided that it would review the composition, organization and administrative arrangements of the Committee at its first regular session of 1990. Furthermore, if the Economic and Social Council had not approved the Committee's proposal that the latter's pre-sessional Working Group should meet earlier, that was because of the financial implications of such a decision.

69. Nevertheless, as Mr. Martenson had observed, the Economic and Social Council had approved the Committee's holding an additional session from 26 November to 14 December 1990, with a prior meeting of the pre-sessional Working Group.

70. With regard to the Committee's being informed about discussions on its reports in other bodies, he thought that the Committee, like the other treaty bodies, could include in its agenda an item on the action taken on those reports by the General Assembly and the Economic and Social Council. He stated in that connection that as from 1990, the Committee's report would not be considered by the Economic and Social Council in plenary but by its Social Committee.

71. With regard to the Committee's documentation, he gave an assurance that every effort would be made to ensure that members received it in good time in future. The Secretariat had invited the Centre for Human Settlements and UNDP to participate in the general discussion on article 11 of the Covenant, but to date it had received no reply. The text of Mr. Martenson's letter, to which Mr. Alston had referred, would be communicated to the Committee.

72. The CHAIRMAN suggested that the Secretariat should telephone the Centre for Human Settlements and UNDP to stress the importance which the Committee attached to their attendance.

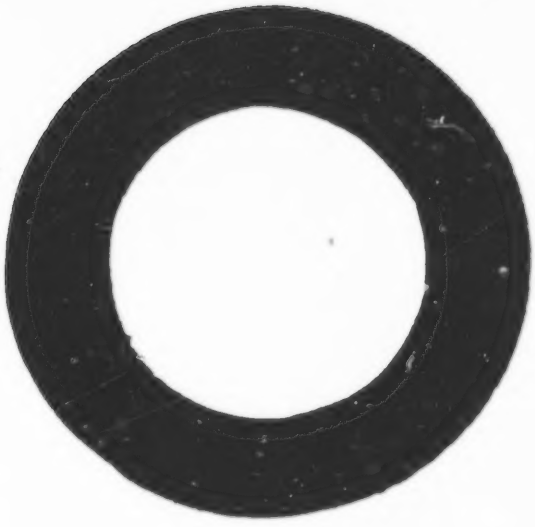
73. If there was no objection, he would take it that the Committee did not wish to meet in the afternoon.

74. It was so decided

75. Mr. SIMMA said that he did not join the consensus on that point: he continued to think that it would be desirable for the Committee to meet again that day.

76. The CHAIRMAN thanked Mr. Simma for making clear by his attitude how important it was for the Committee to make the best use of the time allocated to it.

The meeting rose at 1.10 p.m.



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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 January 1990, at 10 a.m.

Chairman: Mr. BADAWI EL SHEIKH

CONTENTS

Consideration of reports:

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant (Economic and Social Council resolution 1988 (LX), Council decision 1985/132 and Council resolution 1988/4)

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GE.90-15174/1603B

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS (agenda item 6)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Cyprus (E/1986/4/Add.2 and E/1986/4/Add.26)

1. At the invitation of the Chairman, Mr. Anastasiades, Mr. Markides, Mrs. Samouel and Mr. Zodiates (Cyprus) took places at the Committee table.

2. The CHAIRMAN invited the Cypriot delegation to present the second periodic report of Cyprus concerning rights covered by articles 10 to 12 of the Covenant (E/1986/4/Add.2 and E/1986/4/Add.26), having particular regard to the list of questions drawn up by the Working Group (E/C.12/1990/Misc.5).

3. Mr. MARKIDES (Cyprus) said that his country, the third largest island in the Mediterranean, with an area of 9,251 km^2, was situated at the crossroads of three continents (Europe, Asia and Africa), with the result that it had always been under the domination of the various powers that had ruled the Mediterranean. At independence, in 1960, the population had consisted of 450,000 Greek Cypriots and 103,000 Turkish Cypriots. Greek Cypriots now represented 80 per cent of the population, Turkish Cypriots 18 per cent and other minorities 2 per cent.

4. After a long history of successive rule by Greeks, Romans, Byzantium, France, Venice, the Ottomans and the British, Cyprus has been declared an independent republic and had joined the international community in a state of economic underdevelopment and backwardness.

5. The period following independence had been marked by rapid growth and prosperity unparalleled in its modern history: between 1961 and 1971, agriculture and industry had made extraordinary advances and, with the help of the tourist boom, the increase in national income had made possible a significant improvement in social services, to the benefit of all population groups.

6. In 1974, Turkey had invaded Cyprus in flagrant violation of international law and the human rights of the Cypriot people. As a result of that invasion, 37 per cent of the territory of the Republic of Cyprus had come under the military occupation of Turkey; 200,000 Greek Cypriots, or 40 per cent of the Greek Cypriot population, had been forcibly expelled from their ancestral homes; many thousands of Greek Cypriots had been killed or gone missing; and 65,000 colonists from remote regions of Turkey had been illegally settled in the occupied territory, on expropriated land. Those settlers, together with the 35,000-strong army of occupation, now outnumbered the Turkish Cypriots themselves, who were also suffering violations of their rights. The colonization, coupled with the changing of place names in the occupied territory and a policy of homogeneity that was reminiscent of apartheid, was contrary to international law and a gross violation of human rights. The Cypriot economy, consisting of agriculture, industry, tourism, mining, construction, trade, public transport and telecommunications, had been seriously damaged and the cultural heritage of thousands of years of civilization had been, and was still being, deliberately and systematically destroyed.

7. Despite that catastrophe, unprecedented in the country's history, the people and Government of Cyprus had worked together to rebuild the country from the ashes of the invasion and it could now safely be said that the economy of the area of the country that was under the effective control of the Government of the Republic was healthy: only 2.8 per cent of the active population was unemployed, the growth rate was about 6 per cent, inflation had stood at only 3.5 per cent in 1988 and standards of living were steadily rising.

8. The Constitution of the Republic of Cyprus guaranteed individuals the exercise of certain economic and social rights in accordance with public interest and the common good. It assigned the State the functions of a welfare State, defined economic and social rights in clear language and also provided effective remedies for their enforcement. Under article 169, the International Covenant on Economic, Social and Cultural Rights, the European Social Charter and the ILO Conventions had the force of law in Cyprus.

9. However, the Turkish invasion, the military occupation of 37 per cent of the territory and an artificially created dividing line posed obstacles which prevented the Government from complying fully, throughout its territory, with its obligations under articles 10 to 12 of the Covenant.

10. Lastly, recalling that the international community had unequivocally affirmed that the status quo was not a solution to the Cyprus problem, he said that Cyprus was ready to resume, under United Nations auspices, the negotiations which had been interrupted by the Turkish side.

11. Mr. ANASTASIADES (Cyprus) said that his country's second periodic report, which should be read in conjunction with the previous report, showed the efforts that were being made by the Government of Cyprus to guarantee its people the exercise of the rights safeguarded by the Covenant, despite the continuing unlawful occupation of 37 per cent of its territory.

12. With regard to the family, the problems created by the Turkish invasion were exacerbated by new problems created by technological developments and social and economic changes, which included new family structures, a concentration of the population in towns and the increased entry of women into the labour market, and which necessitated the strengthening of the resources made available to the social welfare services of the State.

13. In order to strengthen the family, identify family problems and offer specialized services to families, particularly so as to promote child welfare, the authorities were endeavouring to update the legislation concerning children, juvenile delinquents and adoption (the relevant bills were shortly to be submitted to the Council of Ministers); were offering, in co-operation with the Ministry of Education, social services to elementary and secondary schools; were improving the assistance offered to families facing problems in order to preserve their unity; and were updating and streamlining the institutional services offered to socially maladjusted children and young persons. The first two sets of measures could be seen as a reply to question (7) of the Working Group.

14. In reply to the Working Group's question on the conclusions of the law reform committee on family law, he said that there was a need for modernization of that law, whose text, deeply rooted in clerical tradition,

prevented the State from bringing itself into line with modern trends in family law and from complying with its international obligations, in particular with regard to the equality of spouses.

15. The Government also considered it necessary to amend article 111 of the Constitution, under which jurisdiction in matters relating to the marriage and divorce of Cypriot citizens who were members of the Greek Orthodox Church was vested exclusively in the ecclesiastical courts. The proposed reform would provide that matters regarding marriage, divorce, separation or family relations were to be governed by laws of the State; all citizens would be able to choose freely between civil and religious marriage or to choose both; jurisdiction in matters relating to marriage and divorce would be transferred to the civil courts; and a permanent committee on family law would be set up to submit periodic suggestions to the Government on reforms to family law. Bills amending article 111 of the Constitution had already been approved by the Council of Ministers and deposited with the House of Representatives.

16. With regard to maternity protection, the maternity grant was a lump sum payable to a woman on the basis of her own or her husband's insurance. The grant had increased substantially since the submission of the first periodic report, from £C 27 to £C 103.

17. With regard to the protection of pregnant women and working mothers, the first special law on maternity protection, which had been enacted in April 1987, gave employed women 12 consecutive weeks' maternity leave; guaranteed the payment of an allowance during maternity leave; protected pregnant women from unlawful dismissal; granted facilities for nursing and child care in the work place for a period of six months following confinement; prohibited the employment of pregnant women for work recognized as detrimental to their health or that of the child; and preserved the seniority rights of women and their right to reinstatement in their former work or in equivalent work paid at the same rate.

18. In 1983, the maternity allowance, which had previously been paid only to employed women, had been extended to self-employed women.

19. Lastly, within the framework of the policy for improving maternity protection, the Government of Cyprus had included among the objectives of the Five-Year Development Plan (1989-1993) the extension of maternity leave from 12 to 16 weeks.

20. A widow's pension was payable to the widow of a person if, at the time of his death, he had satisfied the contribution conditions and she had been living with him or had been wholly or mainly maintained by him. A widower's pension was payable to a widower only if his wife had satisfied the contribution conditions at the time of her death and if he was permanently incapable of supporting himself and had been wholly or mainly maintained by her. The weekly amount of the basic pension was 60 per cent of the average weekly earnings of the deceased insured spouse in the lower band of insurable earnings over a specified period. That percentage was increased to 80 per cent, 90 per cent and 100 per cent if the beneficiary had one, two or three dependants, respectively. The supplementary amount was 60 per cent of 1/52 of 1.5 per cent of the total amount of the paid and credited insurable earnings of the deceased spouse in the upper band of insurable earnings.

21. Replying to the Working Group's question on the definition of the upper and lower part of insurable earnings, he said that the lower limit of insurable earnings, known as the "basic earnings", had been fixed for 1989 at £C 33.50 per week or £C 1,742 per annum. The total annual insurable earnings of each insured person were divided into two "bands": the "lower band", which included the insurable earnings up to the basic earnings; and the "upper band", including earnings above the basic earnings.

22. With regard to the minimum pension, in 1985, the Government, taking account of the country's socio-economic conditions, had introduced a minimum income for retired persons whose pensions were substantially reduced owing to reduced contributions. That pension, which had amounted to 50 per cent of the full basic pension when first introduced, had been increased to 70 per cent of the full basic pension as from July 1989.

23. In reply to the Working Group's question on the specific nature of the preventive services provided to families, he said that almost all of the 128 field social workers were involved in such preventive work and that, over the past 15 years, the number of cases handled on a preventive basis had risen fron 700 in 1973 to almost 2,000 in 1987. In the framework of those preventive services, a procedure had been adopted in 1978 for dealing with juvenile delinquents, in co-operation with the police and the Attorney-General, so as to avoid penal measures for persons under the age of 16. In addition, the involvement of the community was always sought in the areas of prevention and control. As an example, 32 community-operated day-care centres, catering for approximately 2,300 children, had been set up in different parts of the island. The social services also co-operated with voluntary agencies and with other governmental services with a view to improving their respective activities and the services offered to families.

24. Other measures had been taken in the field of the protection of children, such as the extension, during the past 10 years, of the services for the care of children of working parents. The percentage of working parents provided with day-care services was between 57 and 60 per cent.

25. Lastly, the Government was encouraging voluntary initiative by giving grants for the establishment of nurseries and day-care centres.

26. Despite that progress, certain problems persisted, the most significant of which arose from the disparity between the number of children of pre-school age benefiting from those services in the different areas of Cyprus (20 per cent in rural areas, compared to 30 per cent in urban areas) and from the fact that day-care centres and elementary schools were open for shorter hours than the parents' working day.

27. As to the Working Group's question about the minimum age for admission to employment for children, he said that the bill amending the Children and Young Persons (Employment) Law, shortly to be submitted to the House of Representatives, would raise the minimum age for admission to employment of children in non-industrial undertakings from 13 to 15, while no children would be allowed to be employed in any industrial undertaking. With regard to the second part of the Working Group's question (10), he said that children of 15 years of age could be indentured as apprentices in an industrial undertaking by special authorization of the Ministry of Labour and Social Insurance.

28. In addition, the hours of work of children in non-industrial undertakings would be reduced from 42 to 36 hours per week, those of young persons would be reduced from 48 to 38 per week (in both industrial and non-industrial undertakings) and the underground employment of persons below the age of 18 would be prohibited.

29. Referring to the right to an adequate standard of living, he said that the public assistance legislation gave citizens of the Republic protection in the form of benefits. That protection had been considerably improved since the previous report of Cyprus, with benefits increasing from £C 10.40 in 1979 to £C 60.50 in 1990. In addition to that increase in benefits, several changes had been made in the legislation with a view to extending social assistance benefits to new categories of the population, such as single parent families, families with more than four children and disabled unmarried children living with their parents.

30. On the question of family benefits, he said that, under Child Benefit Law No. 394/87, a benefit financed out of general taxation was paid as from 1 January 1988 to families with at least four dependent children residing in Cyprus. A benefit of £C 7 per month was payable 13 times in each year for every child from the third onwards.

31. Provision was also made for a general assessment of the system of family benefits with a view to securing a more equitable distribution of the economic burdens resulting from the upbringing of children. The rate of the benefit would also be revised to ensure that it at least retained its purchasing power.

32. Elderly persons had been one of the groups that had suffered most from being uprooted as a result of the Turkish invasion. Consequently, the Government had striven to develop home help services and set up health centres for them. Assistance was also provided to families with elderly members in order to encourage them to care for elderly persons themselves, rather than placing them in an institution.

33. Measures being taken to improve the protection of the elderly included the amendment of the legislation on homes for elderly and disabled persons, of which there were currently 63: 7 Government old people's homes, 42 privately operated homes and 14 community-run homes; a feasibility study on a project to provide multipurpose services for elderly persons (day-care, distribution of food, etc.); and its experimental implementation in one district.

34. Turning to the right to housing, he said that the Turkish invasion had caused a serious crisis in that regard, and that it had been necessary to rehouse about 44,000 displaced persons, while at the same time catering for the needs of other population groups. In order to assist lower- and middle-income families in acquiring their own homes, the Government had established the Housing Finance Corporation and the Cyprus Land Development Corporation in 1980. However, there were still some families that were prevented from acquiring a home, since they could not make the required down payment and could not afford to pay the monthly instalments. The Cypriot authorities were currently studying ways of assisting such persons.

35. With regard to the use of scientific and technical knowledge for improving housing construction, the Cyprus Organization for Standards and Control of Quality, established in 1975, had already published 45 standards

for the building and construction sector and was currently working on the preparation of regulations relating to the design and construction of reinforced concrete buildings, modelled on the provisions of the Euro-International Model Code for Concrete Structures. However, because the housing market was mainly controlled by the private sector, standardization in the building industry was not yet widespread.

36. In connection with the implementation of article 12 of the Covenant proclaiming the right to physical and mental health, various measures had been taken to improve environmental and industrial hygiene and to prevent pollution. In the field of occupational safety and health, several pieces of legislation and regulations had been adopted since the submission of the previous report, including the 1988 Woodworking Machinery (amending) Regulations, the 1988 Safety at Places of Work Law, the 1988 Safety Committees at Places of Work Regulations, and the 1989 Factories (amending) Law, which extended the coverage of the provisions concerning machinery to all equipment and machinery used in the various branches of economic activity.

37. The Government of Cyprus, which had also adopted ILO Convention No. 155, in 1988, was working to prepare a new law on industrial hygiene, on the basis of that instrument, to cover all branches of economic activity.

38. With regard to environmental hygiene, the programme undertaken with foreign expert assistance for the identification of sources of pollution and their control had progressed very satisfactorily. Several draft laws on dangerous substances and air, water, soil and noise pollution control would shortly be submitted to the Council of Ministers.

39. On the question of working conditions in the agricultural sector (hygiene and safety), he pointed out that, in response to an observation of the Committee of Experts supervising the application of the European Social Charter to the effect that the Cypriot legislation in that sector was deficient, the Government had adopted new regulations in 1982 which covered all persons employed in agriculture (employed and self-employed) and which, as the Committee of Experts had itself acknowledged, enabled Cyprus to meet its obligations under article 3 of the Charter concerning the right to safe and healthy working conditions.

40. Still with regard to article 12, he said that health care in Cyprus was provided both by the Government and by the private sector. Government health care was available free of charge to low-income groups. However, the Cypriot Government was studying the introduction of a new national health scheme which would further improve both the provision of health services to the population and the population's state of health.

41. Apart from the large general hospitals in the towns, there were a number of hospitals and health centres to serve the rural population of the island. All levels of health care - primary, secondary and tertiary - were thus provided. However, as part of the new "Health for All" strategy, particular emphasis was being given to developing primary health care, and, to achieve that aim, the Ministry of Health was considering handing over responsibility for that category of health care to the private medical sector.

42. The Government had also taken measures to control AIDS.

43. Replying to the other questions that had been submitted to his delegation, he said that abortion was illegal in Cyprus, being permissible only for medical reasons and in cases of rape. In all other cases, legal proceedings were taken against offenders. He also said that, at the age of 10, all school children, boys and girls, were given an anti-diptheria, anti-tetanus and anti-poliomyelitis booster. At the age of 15, a booster dose of tetanus vaccine was offered to girls only, while boys were vaccinated at the age of 17 or 18, when they were called up for military service. The fact that the number of days spent in hospital had fallen although the number of patients had increased was attributable to the shortage of nursing staff and the resulting need to shorten the hospital stay of patients. Measures had already been taken by the Ministry of Labour and Social Insurance to rectify that state of affairs.

44. He concluded by saying that his delegation remained at the Committee's disposal and that it was ready to provide any further details that members might request.

45. Mr. ALSTON proposed that the Chairman should first give the floor to the representative of ILO, since it would be useful for members of the Committee to hear the information that representatives of the specialized agencies had to communicate to them regarding countries whose reports they were studying, before themselves taking the floor.

46. Mr. DAO (International Labour Office) said that, contrary to what was stated in the annex to document E/1990/9, it was not the eleventh, but the tenth report of the International Labour Organisation on progress in achieving observance of the provisions of the International Covenant on Economic, Social and Cultural Rights (E/1986/60) that contained information on the application by Cyprus of the ILO Conventions to which it was a party.

47. Cyprus had not yet ratified the Maternity Protection Convention (Revised), 1952 (No. 103), but it seemed from the report that it was now in a position to contemplate doing so.

48. With regard to the protection of children and young persons in employment and work, Cyprus had ratified three Conventions regarding the minimum age for employment of children, namely, Conventions Nos. 15, 90 and 123 on the minimum age for trimmers and stokers, night work of young persons in industry and underground work, respectively. The first two of those Conventions established the minimum age for admission to employment at 18 years, and the third at 16 years. In the case of underground work, Cyprus apparently wished to go still further by banning that type of activity outright.

49. The only observation made by the Committee of Experts on the Application of Conventions and Recommendations dealt both with the registers which employers were required to keep and which must include full information on young persons under the age of 18 in their employment and with the obligation of employers to make those registers available to workers' representatives. The Cypriot authorities had made it known that that question would be considered when the time came to revise the law on childrens' work. Meanwhile, Cyprus was complying satisfactorily with the conventions it had ratified.

50. Mr. ALVAREZ VITA proposed that the replies by the members of the Cypriot delegation to the questions formulated by the pre-sessional Working Group should be published as an annex to the second periodic report of Cyprus.

51. With regard to equality between the sexes, he was pleased to learn that widowers were entitled to a pension on the same conditions as widows, since that had not been clear from the report. However, he wished to know whether maternity protection measures were intended exclusively for the mother or whether the father was also entitled, for example, to take leave in order to look after his children.

52. Paragraph 54 of the report stated, with regard to the programme for the prevention of thalassaemia and the treatment of homozygotes, that termination of pregnancy was provided for in the case of homozygote foetuses and that, during 1985, only one homozygote had been born, as compared to six during 1983. Did that mean that, in such cases, abortion was not simply permitted, but compulsory?

53. Mr. TEXIER, referring to the protection of the family, asked what solution the law reform committee on family law had adopted for the status of illegitimate children. According to the report, illegitimate children had legal status; but what was the situation of children born outside wedlock who were not adulterine? Was their status identical to that of children born within marriage, as was the case in a growing number of countries, where, in the interests of the child, an attempt had been made to obliterate all distinction between children born of married couples and children born of unmarried couples?

54. He also wondered whether, in the event of divorce, the law reform committee had provided for the solution of joint custody or the possibility that the parents might continue to exercise parental authority together.

55. With regard to the right to an adequate standard of living and adequate food, the report stated that the Cypriot authorities had published a set of standards. Those standards nevertheless seemed to deal mainly with the safety and composition of food products. He therefore wished to know whether malnutrition problems existed in Cyprus and whether any part of the population, however small, suffered from nutritional deficiencies.

56. He also wished to know exactly how many cases of AIDS had been recorded and whether, in the context of measures to combat the disease, the Government was endeavouring to avoid measures that discriminated against AIDS sufferers.

57. Mr. MARCHAN ROMERO, noting that reforms had been introduced in Cypriot social legislation in 1980 with a view to granting additional social benefits to insured persons, asked what percentage of the social security contribution was paid by the employer.

58. Mr. FOFANA, referring to article 10 of the Covenant, said that he wished to know the fertility rate and life expectancy at birth and at the age of 30 for the period covered by the report. He would also like to know the marriage rate and the percentage of divorces.

59. With regard to article 11, he asked what the per capita GNP now was. It appeared from the report that the south of the country was more developed than the north, since the figures indicated that average per capita income was approximately four times higher in the south than in the north. Had anything been done since the initial report to rectify that situation? In putting that question, he was mindful of the fact that the country was partitioned and that 40 per cent of the territory was occupied by the Turks.

60. As to article 12, he wished to know the daily per capita calorie intake, or, in other words, the relationship between the calorie equivalent of the food supply and the total population figure.

61. Mr. RATTRAY said that taken as a whole, the report by Cyprus gave a good idea of the ways in which the rights set forth in articles 10, 11 and 12 of the Covenant were guaranteed in Cyprus. However, he wished to have fuller information on actual respect for those rights in the health field. Since health care was provided by both the public and the private sectors, but there were apparently more doctors in the latter sector, he wished to know whether the quality of health services was the same in both sectors. He also asked whether the least privileged sectors had access to private sector health services and whether measures had been taken to ensure that health services as a whole complied with uniform rules.

62. He also asked for statistics on drug abuse, particularly among children, and wished to know whether there were any specialized centres for drug addicts.

63. The report by Cyprus clearly showed the consequences of the events of 1974 on the general situation in the country and on the extent to which economic, social and cultural rights were respected there. However, the Covenant provided that all persons should enjoy those rights without discrimination. He therefore wished to know whether the courts had recorded complaints of discrimination regarding those rights, particularly the right to housing, and, if so, whether any judicial or other decisions had been taken.

64. Mr. ALSTON, noting that the representative of Cyprus had said that his country's Constitution guaranteed the exercise of certain economic and social rights, asked precisely what rights were guaranteed and in what form those guarantees were applied. Since the representative of Cyprus had said that effective remedies existed to ensure the application of those rights, he wished to know to what extent it was possible to have recourse to the courts for that purpose.

65. With regard to article 11 of the Covenant, he asked whether the concept of a poverty line existed in Cyprus and whether part of the population was below that line. Were there any groups of immigrant workers who were not of Greek or Turkish origin or minorities whose economic situation was inferior to that of the majority? Did the Government have a general assessment of the population's nutritional situation and was it able to affirm that there was no malnutrition in the country?

66. Mr. MUTERAHEJURU asked for further details on the Family Guidance Centre, which, according to the report, had been opened in 1985. Was the Centre fully operational and had it achieved any results since its establishment? Apart from assistance to families and children suffering from emotional disturbances, the Centre was intended to facilitate the establishment of other centres of the same kind in all the major towns in Cyprus: had that objective been attained?

67. With regard to paragraph 42 of the report, which drew attention to certain disparities between urban and rural areas, he asked whether there were particular reasons why such disparities should exist in a territory as small

as that of Cyprus and what criteria were used for comparison. As to paragraph 44, which discussed court-regulated rent increases, he wished to know why such regulation had been entrusted to the judiciary.

68. Mrs. JIMENEZ BUTRAGUEÑO asked for some clarifications on the situation of persons over the age of 65, of whom there had been no mention in the initial report. Were there, for example, any specific measures in favour of persons in that age group? What concrete steps were being taken to assist them and to enable them to integrate with the rest of the population? Were there any measures more active than those referred to in paragraph 22 of the report? Elderly persons often wished to be of service to society and their experience could sometimes be invaluable. Were they, for instance, given the opportunity to engage in voluntary activities or did they remain locked in the prison of welfare?

69. Taking up some of the questions put by Mr. Texier, particularly with regard to unmarried couples, she asked whether there were many such couples in Cyprus. Had a sociological study been done in order to try to find out why young people no longer wished to marry? Were the children of unmarried couples protected from the point of view of filiation and were they covered by the social security scheme?

70. She also asked for further details on the situation of married women. Did they have the same rights as their husbands? Did their situation differ depending whether they had been married in a civil or a religious ceremony? Was parental authority shared? In the event of divorce, did the situation regarding property differ depending on whether the marriage had been contracted in a religious or a civil ceremony? She also asked who received the minimum pension referred to in paragraph 14 of the report. Lastly, aware that voluntary termination of pregnancy was illegal in Cyprus, she asked whether it was nevertheless permitted when the health of the mother was at risk or in cases of the malformation of the foetus.

71. Mr. GLAIEL, noting that the members of the Committee had already raised most of the questions he himself had wished to ask, thanked the Government of Cyprus for the interest it had shown in the Committee's work and said that the initial and second reports of Cyprus showed that significant progress had been made with regard to economic, social and cultural rights. He pointed out that, when the Committee considered a report, whether by Cyprus or another country, it must first of all try to place it in its political, economic and geographical context so as to make a better assessment of the results achieved.

72. Mr. KOUZNETSOV, noticing that there was a discrepancy between the traditions of religious marriage and the obligations assumed by the Government of Cyprus under the Covenant, asked in what form and by what means the Government guaranteed its citizens the exercise of one of the rights proclaimed in article 10, which stated that marriage must be entered into with the free consent of the intending spouses. Were they free to choose freely between a civil and a religious ceremony?

73. Mr. SIMMA, speaking in his capacity as Chairman-Rapporteur of the pre-sessional Working Group, congratulated the Government of Cyprus for replying so fully to the questions formulated by the Working Group, particularly since it had had only three days in which to do so. For

financial reasons, the pre-sessional Working Group was obliged to meet on the days immediately preceding the opening of the Committee's session, and that explained why so little time had been available to the Cypriot delegation.

74. Question (7) of the pre-sessional Working Group relating to paragraph 17 (i) of the report by Cyprus should have been worded differently, since the study in question had not yet been carried out. He nevertheless wished to know how the terms "anti-social or maladjusted youths" were defined in Cypriot legislation and whether that definition was in keeping with international standards.

75. With regard to paragraph 48 of the report, which stated that an anti-tetanus booster was administered to girls of 15-16 years of age, he asked why boys of that age were not entitled to a similar treatment. He also wished to know whether the least privileged sectors of the population included persons who were covered neither by social security nor by any other sickness insurance system and, if so, what persons were affected.

76. The CHAIRMAN, thanking the Cypriot delegation for the details it had provided, said that its report was positive, both in terms of form and in terms of substance. As an example, he referred to the statement by the representative of the ILO, who had said that his organization had been informed that the Government of Cyprus intended to go beyond the requirements of the Convention on the minimum age for underground work by banning that type of child labour altogether. He paid a particular tribute to the honesty with which the Cypriot delegation had acknowledged that the Government did not claim to have achieved everything it should have and that there were still problems to be solved with regard to compliance with its commitments. It was in that positive spirit that the dialogue between representatives of States parties to the Covenant and the members of the Committee should take place. The members of the Committee were, however, obliged to consider not only the positive aspects of the reports submitted to them but also the difficulties encountered by States parties and the efforts they were making to overcome them.

77. With regard to article 10 of the Covenant, he noted that paragraph 17 (b) of the report referred to co-operation between Cyprus and UNESCO in the field of the protection of children and young persons and that paragraph 52 dealt with the assistance provided by foreign experts in the field of environmental protection. Those two issues were very important, since international co-operation was a key to the full implementation of the Covenant. He therefore hoped that the Cypriot delegation would provide fuller information on co-operation in the fields of the protection of children and the protection of the environment so that other States parties could benefit from that experience and implement similar projects adapted to their type of society and specific situation.

78. Turning to paragraph 17 (k), which referred to Government subsidies for day-care centres run by voluntary organizations, he asked what the total number of day-care centres in Cyprus was so that he might know what percentage of the total the 20 day-care centres referred to in the paragraph represented and which criteria the Government used in deciding to subsidize a day-care centre. His purpose in requesting those details was to facilitate an exchange of information on experience gained in that field by States parties to the Covenant.

79. With regard to article 11, he said that the report described the action taken by the Government in the field of housing and the results achieved, particularly through the Housing Finance Corporation and the Cyprus Land Development Corporation. The Government recognized, however, that those bodies would not solve the housing problem because many families could not make the required down payment or afford to pay the monthly instalments. Since the Government was apparently trying to find ways of overcoming those difficulties, it would be useful for members of the Committee to learn what solutions it had adopted.

80. He asked for some clarifications with regard to paragraph 43, which dealt with rent control, but only as it affected rents paid by refugees. Were the rents of other members of society also controlled? He also wished to know what measures were being taken to prevent landlords from raising rents and whether there was any relationship between rent control and the lack of capital for construction.

81. As to article 12, he asked what criteria the Government used in determining the highest attainable standard of physical and mental health when designing programmes in that field. Two factors needed to be taken into account: the highest attainable standard of physical and mental health and the resources available to the State in order to attain that standard. What was the Government's position on that point?

82. He considered that it would be valuable for the Committee to know how Cyprus was managing to reconcile its international obligations under various conventions, particularly the European Social Charter, with its obligations under the Covenant.

SUBMISSION OF REPORTS BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 and 17 OF THE COVENANT (agenda item 5)

83. The CHAIRMAN asked the Committee for its opinion on the proposal by Mr. Alvarez Vita that the replies of the representatives of Cyprus should be published as an annex to the report by Cyprus.

84. Mr. ALVAREZ VITA said that the publication of the written replies by Governments to the questions formulated by the pre-sessional Working Group would make it possible to give a more faithful picture of the exchanges between States and the Committee.

85. Mr. ALSTON said that the summary records of meetings and the annual report should give a faithful reflection of the discussions held in the Committee. The proposal by Mr. Alvarez Vita would mean more documentation and the resulting increase in costs. In that connection, he urged the Committee to look into the practice of the other treaty bodies.

86. Mr. GLAIEL said that he supported the proposal by Mr. Alvarez Vita, since the summary records did not always reproduce the replies by States in great enough detail. The proposed system would have the added advantage of encouraging Governments to prepare their replies carefully.

87. Mr. RATTRAY said that the proposal by Mr. Alvarez Vita was an interesting one and that precision in summary records was important, but a flexible attitude should be adopted and States should be allowed to decide whether their replies should be published as an annex to their reports.

88. Mrs. JIMENEZ BUTRAGUEÑO said that the oral presentation of the report of Cyprus had been excellent and that it would be a good idea to append it to the report. She proposed that the same practice should be adopted for the reports of other countries.

89. Mr. SIMMA said that the proposal by Mr. Alvarez Vita was a good one, but, in the present circumstances, the publication of additional documents would be of little value. The same would not be true if the pre-sessional Working Group could meet earlier. In the current state of affairs, the most sensible course might be to put the last phase of consideration of reports to better use and assign one of the members of the Committee the task of deciding whether the Government in question had replied satisfactorily to the questions put to it.

90. Mr. NENEMAN pointed out that the secretariat's resources were limited and that the proposal by Mr. Alvarez Vita would entail additional expenditure. Furthermore, while the reports by Governments were official and binding documents, the comments by their representatives, who were not always experts on the questions raised, could not be accorded the same weight. Governments had been known to arrange for the publication of addenda to their reports at their own expense.

91. Mr. SPARSIS agreed that financial constraints imposed some restrictions on the volume of documentation published. Unlike Mr. Neneman, however, he thought that the replies by Governments' representatives, regardless of their qualifications, had the same value as official reports, since Governments were also responsible for the statements made by their official representatives. He therefore proposed that States should be asked to prepare in advance a brief presentation of their reports, which would be circulated subsequently. It would also be a good idea to publish the written and oral questions in advance, in abridged form. Lastly, so that the members of the Committee could get a proper idea of a country's social, economic and cultural circumstances, a summary of what had been said should be made available to them before the end of the session.

92. Mr. HOUSHMAND (Representative of the Secretary-General) said that the secretariat had always been flexible as far as documentation was concerned and that it was not unknown for the written replies by Governments to be circulated as official documents. The summary records of the Committee's meetings were part of its official documents and they reflected the content of the discussions as faithfully as possible. The publication of additional documents would clearly have significant financial implications. Moreover, it did not seem feasible to require States to provide a presentation of their reports prior to their consideration by the Committee, since the written questions formulated by the pre-sessional Working Group were transmitted to them only a few days before the session. He stressed the need to avoid giving precedence to written dialogue with States, at the expense of oral dialogue, which was also important.

The meeting rose at 1.05 p.m.